

1 AN ACT concerning sex offenders.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Sex Offender Registration Act is amended by
5 changing Sections 2, 3, 6, 7, and 8 as follows:

6 (730 ILCS 150/2) (from Ch. 38, par. 222)

7 Sec. 2. Definitions.

8 (A) As used in this Article, "sex offender" means any
9 person who is:

10 (1) charged pursuant to Illinois law, or any
11 substantially similar federal, Uniform Code of Military
12 Justice, sister state, or foreign country law, with a sex
13 offense set forth in subsection (B) of this Section or the
14 attempt to commit an included sex offense, and:

15 (a) is convicted of such offense or an attempt to
16 commit such offense; or

17 (b) is found not guilty by reason of insanity of
18 such offense or an attempt to commit such offense; or

19 (c) is found not guilty by reason of insanity
20 pursuant to Section 104-25(c) of the Code of Criminal
21 Procedure of 1963 of such offense or an attempt to
22 commit such offense; or

23 (d) is the subject of a finding not resulting in an
24 acquittal at a hearing conducted pursuant to Section
25 104-25(a) of the Code of Criminal Procedure of 1963 for
26 the alleged commission or attempted commission of such
27 offense; or

28 (e) is found not guilty by reason of insanity
29 following a hearing conducted pursuant to a federal,
30 Uniform Code of Military Justice, sister state, or
31 foreign country law substantially similar to Section
32 104-25(c) of the Code of Criminal Procedure of 1963 of

1 such offense or of the attempted commission of such
2 offense; or

3 (f) is the subject of a finding not resulting in an
4 acquittal at a hearing conducted pursuant to a federal,
5 Uniform Code of Military Justice, sister state, or
6 foreign country law substantially similar to Section
7 104-25(a) of the Code of Criminal Procedure of 1963 for
8 the alleged violation or attempted commission of such
9 offense; or

10 (2) certified as a sexually dangerous person pursuant
11 to the Illinois Sexually Dangerous Persons Act, or any
12 substantially similar federal, Uniform Code of Military
13 Justice, sister state, or foreign country law; or

14 (3) subject to the provisions of Section 2 of the
15 Interstate Agreements on Sexually Dangerous Persons Act;
16 or

17 (4) found to be a sexually violent person pursuant to
18 the Sexually Violent Persons Commitment Act or any
19 substantially similar federal, Uniform Code of Military
20 Justice, sister state, or foreign country law; or

21 (5) adjudicated a juvenile delinquent as the result of
22 committing or attempting to commit an act which, if
23 committed by an adult, would constitute any of the offenses
24 specified in item (B), (C), or (C-5) of this Section or a
25 violation of any substantially similar federal, Uniform
26 Code of Military Justice, sister state, or foreign country
27 law, or found guilty under Article V of the Juvenile Court
28 Act of 1987 of committing or attempting to commit an act
29 which, if committed by an adult, would constitute any of
30 the offenses specified in item (B), (C), or (C-5) of this
31 Section or a violation of any substantially similar
32 federal, Uniform Code of Military Justice, sister state, or
33 foreign country law.

34 Convictions that result from or are connected with the same
35 act, or result from offenses committed at the same time, shall
36 be counted for the purpose of this Article as one conviction.

1 Any conviction set aside pursuant to law is not a conviction
2 for purposes of this Article.

3 For purposes of this Section, "convicted" shall have the
4 same meaning as "adjudicated". For the purposes of this
5 Article, a person who is defined as a sex offender as a result
6 of being adjudicated a juvenile delinquent under paragraph (5)
7 of this subsection (A) upon attaining 17 years of age shall be
8 considered as having committed the sex offense on or after the
9 sex offender's 17th birthday.

10 (B) As used in this Article, "sex offense" means:

11 (1) A violation of any of the following Sections of the
12 Criminal Code of 1961:

13 11-20.1 (child pornography),
14 11-6 (indecent solicitation of a child),
15 11-9.1 (sexual exploitation of a child),
16 11-15.1 (soliciting for a juvenile prostitute),
17 11-18.1 (patronizing a juvenile prostitute),
18 11-17.1 (keeping a place of juvenile
19 prostitution),
20 11-19.1 (juvenile pimping),
21 11-19.2 (exploitation of a child),
22 12-13 (criminal sexual assault),
23 12-14 (aggravated criminal sexual assault),
24 12-14.1 (predatory criminal sexual assault of a
25 child),
26 12-15 (criminal sexual abuse),
27 12-16 (aggravated criminal sexual abuse),
28 12-33 (ritualized abuse of a child).

29 An attempt to commit any of these offenses.

30 (1.5) A violation of any of the following Sections of
31 the Criminal Code of 1961, when the victim is a person
32 under 18 years of age, the defendant is not a parent of the
33 victim, and the offense was committed on or after January
34 1, 1996:

35 10-1 (kidnapping),
36 10-2 (aggravated kidnapping),

1 10-3 (unlawful restraint),

2 10-3.1 (aggravated unlawful restraint).

3 An attempt to commit any of these offenses.

4 (1.6) First degree murder under Section 9-1 of the
5 Criminal Code of 1961, when the victim was a person under
6 18 years of age and the defendant was at least 17 years of
7 age at the time of the commission of the offense.

8 (1.7) (Blank).

9 (1.8) A violation or attempted violation of Section
10 11-11 (sexual relations within families) of the Criminal
11 Code of 1961, and the offense was committed on or after
12 June 1, 1997.

13 (1.9) Child abduction under paragraph (10) of
14 subsection (b) of Section 10-5 of the Criminal Code of 1961
15 committed by luring or attempting to lure a child under the
16 age of 16 into a motor vehicle, building, house trailer, or
17 dwelling place without the consent of the parent or lawful
18 custodian of the child for other than a lawful purpose and
19 the offense was committed on or after January 1, 1998.

20 (1.10) A violation or attempted violation of any of the
21 following Sections of the Criminal Code of 1961 when the
22 offense was committed on or after July 1, 1999:

23 10-4 (forcible detention, if the victim is under 18
24 years of age),

25 11-6.5 (indecent solicitation of an adult),

26 11-15 (soliciting for a prostitute, if the victim
27 is under 18 years of age),

28 11-16 (pandering, if the victim is under 18 years
29 of age),

30 11-18 (patronizing a prostitute, if the victim is
31 under 18 years of age),

32 11-19 (pimping, if the victim is under 18 years of
33 age).

34 (1.11) A violation or attempted violation of any of the
35 following Sections of the Criminal Code of 1961 when the
36 offense was committed on or after the effective date of

1 this amendatory Act of the 92nd General Assembly:

2 11-9 (public indecency for a third or subsequent
3 conviction),

4 11-9.2 (custodial sexual misconduct).

5 (1.12) A violation or attempted violation of Section
6 5.1 of the Wrongs to Children Act (permitting sexual abuse)
7 when the offense was committed on or after the effective
8 date of this amendatory Act of the 92nd General Assembly.

9 (2) A violation of any former law of this State
10 substantially equivalent to any offense listed in
11 subsection (B) of this Section.

12 (C) A conviction for an offense of federal law, Uniform
13 Code of Military Justice, or the law of another state or a
14 foreign country that is substantially equivalent to any offense
15 listed in subsections (B), (C), and (E) of this Section shall
16 constitute a conviction for the purpose of this Article. A
17 finding or adjudication as a sexually dangerous person or a
18 sexually violent person under any federal law, Uniform Code of
19 Military Justice, or the law of another state or foreign
20 country that is substantially equivalent to the Sexually
21 Dangerous Persons Act or the Sexually Violent Persons
22 Commitment Act shall constitute an adjudication for the
23 purposes of this Article.

24 (C-5) A person at least 17 years of age at the time of the
25 commission of the offense who is convicted of first degree
26 murder under Section 9-1 of the Criminal Code of 1961, against
27 a person under 18 years of age, shall be required to register
28 for natural life. A conviction for an offense of federal,
29 Uniform Code of Military Justice, sister state, or foreign
30 country law that is substantially equivalent to any offense
31 listed in subsection (C-5) of this Section shall constitute a
32 conviction for the purpose of this Article. This subsection
33 (C-5) applies to a person who committed the offense before June
34 1, 1996 only if the person is incarcerated in an Illinois
35 Department of Corrections facility on August 20, 2004 (the
36 effective date of Public Act 93-977) ~~this amendatory Act of the~~

1 ~~93rd General Assembly.~~

2 (D) As used in this Article, "law enforcement agency having
3 jurisdiction" means the Chief of Police in each of the
4 municipalities in which the sex offender expects to reside,
5 work, or attend school (1) upon his or her discharge, parole or
6 release or (2) during the service of his or her sentence of
7 probation or conditional discharge, or the Sheriff of the
8 county, in the event no Police Chief exists or if the offender
9 intends to reside, work, or attend school in an unincorporated
10 area. "Law enforcement agency having jurisdiction" includes
11 the location where out-of-state students attend school and
12 where out-of-state employees are employed or are otherwise
13 required to register.

14 (D-1) As used in this Article, "supervising officer" means
15 the assigned Illinois Department of Corrections parole agent or
16 county probation officer.

17 (E) As used in this Article, "sexual predator" means any
18 person who, after July 1, 1999, is:

19 (1) Convicted for an offense of federal, Uniform Code
20 of Military Justice, sister state, or foreign country law
21 that is substantially equivalent to any offense listed in
22 subsection (E) of this Section shall constitute a
23 conviction for the purpose of this Article. Convicted of a
24 violation or attempted violation of any of the following
25 Sections of the Criminal Code of 1961, if the conviction
26 occurred after July 1, 1999:

27 11-17.1 (keeping a place of juvenile
28 prostitution),

29 11-19.1 (juvenile pimping),

30 11-19.2 (exploitation of a child),

31 11-20.1 (child pornography),

32 12-13 (criminal sexual assault, if the victim is a
33 person under 12 years of age),

34 12-14 (aggravated criminal sexual assault),

35 12-14.1 (predatory criminal sexual assault of a
36 child),

1 12-16 (aggravated criminal sexual abuse),

2 12-33 (ritualized abuse of a child); or

3 (2) convicted of first degree murder under Section 9-1
4 of the Criminal Code of 1961, when the victim was a person
5 under 18 years of age and the defendant was at least 17
6 years of age at the time of the commission of the offense;
7 or

8 (3) certified as a sexually dangerous person pursuant
9 to the Sexually Dangerous Persons Act or any substantially
10 similar federal, Uniform Code of Military Justice, sister
11 state, or foreign country law; or

12 (4) found to be a sexually violent person pursuant to
13 the Sexually Violent Persons Commitment Act or any
14 substantially similar federal, Uniform Code of Military
15 Justice, sister state, or foreign country law; or

16 (5) convicted of a second or subsequent offense which
17 requires registration pursuant to this Act. The conviction
18 for the second or subsequent offense must have occurred
19 after July 1, 1999. For purposes of this paragraph (5),
20 "convicted" shall include a conviction under any
21 substantially similar Illinois, federal, Uniform Code of
22 Military Justice, sister state, or foreign country law.

23 (F) As used in this Article, "out-of-state student" means
24 any sex offender, as defined in this Section, or sexual
25 predator who is enrolled in Illinois, on a full-time or
26 part-time basis, in any public or private educational
27 institution, including, but not limited to, any secondary
28 school, trade or professional institution, or institution of
29 higher learning.

30 (G) As used in this Article, "out-of-state employee" means
31 any sex offender, as defined in this Section, or sexual
32 predator who works in Illinois, regardless of whether the
33 individual receives payment for services performed, for a
34 period of time of 10 or more days or for an aggregate period of
35 time of 30 or more days during any calendar year. Persons who
36 operate motor vehicles in the State accrue one day of

1 employment time for any portion of a day spent in Illinois.

2 (H) As used in this Article, "school" means any public or
3 private educational institution, including, but not limited
4 to, any elementary or secondary school, trade or professional
5 institution, or institution of higher education.

6 (Source: P.A. 92-828, eff. 8-22-02; 93-977, eff. 8-20-04;
7 93-979, eff. 8-20-04; revised 10-14-04.)

8 (730 ILCS 150/3) (from Ch. 38, par. 223)

9 Sec. 3. Duty to register.

10 (a) A sex offender, as defined in Section 2 of this Act, or
11 sexual predator shall, within the time period prescribed in
12 subsections (b) and (c), register in person and provide
13 accurate information as required by the Department of State
14 Police. Such information shall include a current photograph,
15 current address, current place of employment, the employer's
16 telephone number, and school attended, extensions of the time
17 period for registering as provided in this Article and, if an
18 extension was granted, the reason why the extension was granted
19 and the date the sex offender was notified of the extension. A
20 person who has been adjudicated a juvenile delinquent for an
21 act which, if committed by an adult, would be a sex offense
22 shall register as an adult sex offender within 10 days after
23 attaining 17 years of age. The sex offender or sexual predator
24 shall register:

25 (1) with the chief of police in the municipality in
26 which he or she resides or is temporarily domiciled for a
27 period of time of 10 or more days, unless the municipality
28 is the City of Chicago, in which case he or she shall
29 register at the Chicago Police Department Headquarters; or

30 (2) with the sheriff in the county in which he or she
31 resides or is temporarily domiciled for a period of time of
32 10 or more days in an unincorporated area or, if
33 incorporated, no police chief exists.

34 If the sex offender or sexual predator is employed at or
35 attends an institution of higher education, he or she shall

1 register:

2 (i) with the chief of police in the municipality in
3 which he or she is employed at or attends an institution of
4 higher education, unless the municipality is the City of
5 Chicago, in which case he or she shall register at the
6 Chicago Police Department Headquarters; or

7 (ii) with the sheriff in the county in which he or she
8 is employed or attends an institution of higher education
9 located in an unincorporated area, or if incorporated, no
10 police chief exists.

11 For purposes of this Article, the place of residence or
12 temporary domicile is defined as any and all places where the
13 sex offender resides for an aggregate period of time of 10 or
14 more days during any calendar year.

15 The sex offender or sexual predator shall provide accurate
16 information as required by the Department of State Police. That
17 information shall include the sex offender's or sexual
18 predator's current place of employment.

19 (a-5) An out-of-state student or out-of-state employee
20 shall, within 10 days after beginning school or employment in
21 this State, register in person and provide accurate information
22 as required by the Department of State Police. Such information
23 will include current place of employment, school attended, and
24 address in state of residence. The out-of-state student or
25 out-of-state employee shall register:

26 (1) with the chief of police in the municipality in
27 which he or she attends school or is employed for a period
28 of time of 10 or more days or for an aggregate period of
29 time of more than 30 days during any calendar year, unless
30 the municipality is the City of Chicago, in which case he
31 or she shall register at the Chicago Police Department
32 Headquarters; or

33 (2) with the sheriff in the county in which he or she
34 attends school or is employed for a period of time of 10 or
35 more days or for an aggregate period of time of more than
36 30 days during any calendar year in an unincorporated area

1 or, if incorporated, no police chief exists.

2 The out-of-state student or out-of-state employee shall
3 provide accurate information as required by the Department of
4 State Police. That information shall include the out-of-state
5 student's current place of school attendance or the
6 out-of-state employee's current place of employment.

7 (b) Any sex offender, as defined in Section 2 of this Act,
8 or sexual predator, regardless of any initial, prior, or other
9 registration, shall, within 10 days of beginning school, or
10 establishing a residence, place of employment, or temporary
11 domicile in any county, register in person as set forth in
12 subsection (a) or (a-5).

13 (c) The registration for any person required to register
14 under this Article shall be as follows:

15 (1) Any person registered under the Habitual Child Sex
16 Offender Registration Act or the Child Sex Offender
17 Registration Act prior to January 1, 1996, shall be deemed
18 initially registered as of January 1, 1996; however, this
19 shall not be construed to extend the duration of
20 registration set forth in Section 7.

21 (2) Except as provided in subsection (c)(4), any person
22 convicted or adjudicated prior to January 1, 1996, whose
23 liability for registration under Section 7 has not expired,
24 shall register in person prior to January 31, 1996.

25 (2.5) Except as provided in subsection (c)(4), any
26 person who has not been notified of his or her
27 responsibility to register shall be notified by a criminal
28 justice entity of his or her responsibility to register.
29 Upon notification the person must then register within 10
30 days of notification of his or her requirement to register.
31 If notification is not made within the offender's 10 year
32 registration requirement, and the Department of State
33 Police determines no evidence exists or indicates the
34 offender attempted to avoid registration, the offender
35 will no longer be required to register under this Act.

36 (3) Except as provided in subsection (c)(4), any person

1 convicted on or after January 1, 1996, shall register in
2 person within 10 days after the entry of the sentencing
3 order based upon his or her conviction.

4 (4) Any person unable to comply with the registration
5 requirements of this Article because he or she is confined,
6 institutionalized, or imprisoned in Illinois on or after
7 January 1, 1996, shall register in person within 10 days of
8 discharge, parole or release.

9 (5) The person shall provide positive identification
10 and documentation that substantiates proof of residence at
11 the registering address.

12 (6) The person shall pay a \$20 initial registration fee
13 and a \$10 annual renewal fee. The fees shall be used by the
14 registering agency for official purposes. The agency shall
15 establish procedures to document receipt and use of the
16 funds. The law enforcement agency having jurisdiction may
17 waive the registration fee if it determines that the person
18 is indigent and unable to pay the registration fee. Ten
19 dollars for the initial registration fee and \$5 of the
20 annual renewal fee shall be used by the registering agency
21 for official purposes. Ten dollars of the initial
22 registration fee and \$5 of the annual fee shall be
23 deposited into the Sex Offender Management Board Fund under
24 Section 19 of the Sex Offender Management Board Act. Money
25 deposited into the Sex Offender Management Board Fund shall
26 be administered by the Sex Offender Management Board and
27 shall be used to fund practices endorsed or required by the
28 Sex Offender Management Board Act including but not limited
29 to sex offenders evaluation, treatment, or monitoring
30 programs that are or may be developed, as well as for
31 administrative costs, including staff, incurred by the
32 Board.

33 (d) Within 10 days after obtaining or changing employment
34 and, if employed on January 1, 2000, within 10 days after that
35 date, a person required to register under this Section must
36 report, in person ~~or in writing~~ to the law enforcement agency

1 having jurisdiction, the business name and address where he or
2 she is employed. If the person has multiple businesses or work
3 locations, every business and work location must be reported to
4 the law enforcement agency having jurisdiction.

5 (Source: P.A. 92-828, eff. 8-22-02; 93-616, eff. 1-1-04;
6 93-979, eff. 8-20-04.)

7 (730 ILCS 150/6) (from Ch. 38, par. 226)

8 Sec. 6. Duty to report; change of address, school, or
9 employment; duty to inform. A person who has been adjudicated
10 to be sexually dangerous or is a sexually violent person and is
11 later released, or found to be no longer sexually dangerous or
12 no longer a sexually violent person and discharged, shall
13 report in person to the law enforcement agency with whom he or
14 she last registered no later than 90 days after the date of his
15 or her last registration and every 90 days thereafter and at
16 such other times at the request of the law enforcement agency.

17 Any other person who is required to register under this Article
18 shall report in person to the appropriate law enforcement
19 agency with whom he or she last registered within one year from
20 the date of last registration and every year thereafter and at
21 such other times at the request of the law enforcement agency.

22 If any person required to register under this Article changes
23 his or her residence address, place of employment, or school,
24 he or she shall report in person to ~~, in writing, within 10~~
25 ~~days inform~~ the law enforcement agency with whom he or she last
26 registered of his or her new address, change in employment, or
27 school and register, in person, with the appropriate law
28 enforcement agency within the time period specified in Section
29 3. The law enforcement agency shall, within 3 days of the
30 reporting in person by the person required to register under
31 this Article ~~receipt,~~ notify the Department of State Police ~~and~~
32 ~~the law enforcement agency having jurisdiction~~ of the new place
33 of residence, change in employment, or school.

34 If any person required to register under this Article
35 intends to establish a residence or employment outside of the

1 State of Illinois, at least 10 days before establishing that
2 residence or employment, he or she shall report in person to,
3 ~~in writing, inform~~ the law enforcement agency with which he or
4 she last registered of his or her out-of-state intended
5 residence or employment. The law enforcement agency with which
6 such person last registered shall, within 3 days after the
7 reporting in person of the person required to register under
8 this Article ~~notice~~ of an address or employment change, notify
9 the Department of State Police. The Department of State Police
10 shall forward such information to the out-of-state law
11 enforcement agency having jurisdiction in the form and manner
12 prescribed by the Department of State Police.

13 (Source: P.A. 92-16, eff. 6-28-01; 92-828, eff. 8-22-02;
14 93-977, eff. 8-20-04.)

15 (730 ILCS 150/7) (from Ch. 38, par. 227)

16 Sec. 7. Duration of registration. A person who has been
17 adjudicated to be sexually dangerous and is later released or
18 found to be no longer sexually dangerous and discharged, shall
19 register for the period of his or her natural life. A sexually
20 violent person or sexual predator shall register for the period
21 of his or her natural life after conviction or adjudication if
22 not confined to a penal institution, hospital, or other
23 institution or facility, and if confined, for the period of his
24 or her natural life after parole, discharge, or release from
25 any such facility. Any other person who is required to register
26 under this Article shall be required to register for a period
27 of 10 years after conviction or adjudication if not confined to
28 a penal institution, hospital or any other institution or
29 facility, and if confined, for a period of 10 years after
30 parole, discharge or release from any such facility. A sex
31 offender who is allowed to leave a county, State, or federal
32 facility for the purposes of work release, education, or
33 overnight visitations shall be required to register within 10
34 days of beginning such a program. Liability for registration
35 terminates at the expiration of 10 years from the date of

1 conviction or adjudication if not confined to a penal
2 institution, hospital or any other institution or facility and
3 if confined, at the expiration of 10 years from the date of
4 parole, discharge or release from any such facility, providing
5 such person does not, during that period, again become liable
6 to register under the provisions of this Article. Reconfinement
7 due to a violation of parole or other circumstances that
8 relates to the original conviction or adjudication shall extend
9 the period of registration to 10 years after final parole,
10 discharge, or release. The Director of State Police, consistent
11 with administrative rules, shall extend for 10 years the
12 registration period of any sex offender, as defined in Section
13 2 of this Act, who fails to comply with the provisions of this
14 Article. The registration period for any sex offender who fails
15 to comply with any provision of the Act shall extend the period
16 of registration by 10 years beginning from the first date of
17 registration after the violation. If the registration period is
18 extended, the Department of State Police shall send a
19 registered letter to the law enforcement agency where the sex
20 offender resides within 3 days after the extension of the
21 registration period. The sex offender shall report to that law
22 enforcement agency and sign for that letter. One copy of that
23 letter shall be kept on file with the law enforcement agency of
24 the jurisdiction where the sex offender resides and one copy
25 shall be returned to the Department of State Police.

26 (Source: P.A. 92-828, eff. 8-22-02; 93-979, eff. 8-20-04.)

27 (730 ILCS 150/8) (from Ch. 38, par. 228)

28 Sec. 8. Registration Requirements. Registration as
29 required by this Article shall consist of a statement in
30 writing signed by the person giving the information that is
31 required by the Department of State Police, which may include
32 the fingerprints and must include a current photograph of the
33 person, to be updated annually. If the sex offender is a child
34 sex offender as defined in Section 11-9.3 or 11-9.4 of the
35 Criminal Code of 1961, he or she shall sign a statement that he

1 or she understands that according to Illinois law as a child
2 sex offender he or she may not reside within 500 feet of a
3 school, park, playground, or any facility providing services
4 directed exclusively toward persons under 18 years of age
5 unless the sex offender meets specified exemptions. The

6 registration information must include whether the person is a
7 sex offender as defined in the Sex Offender and Child Murderer
8 Community Notification Law. Within 3 days, the registering law
9 enforcement agency shall forward any required information to
10 the Department of State Police. The registering law enforcement
11 agency shall enter the information into the Law Enforcement
12 Agencies Data System (LEADS) as provided in Sections 6 and 7 of
13 the Intergovernmental Missing Child Recovery Act of 1984.

14 (Source: P.A. 93-979, eff. 8-20-04.)